

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 794**

Introduced by White, 8; Campbell, 25; Conrad, 46; Cook, 13;  
Council, 11; Giese, 17; Haar, 21; Karpisek, 32;  
McGill, 26; Mello, 5; Nordquist, 7; Sullivan, 41;  
Wallman, 30.

Read first time January 08, 2010

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend sections 32-808 and  
2 32-939, Reissue Revised Statutes of Nebraska; to change  
3 provisions relating to early voting; and to repeal the  
4 original sections.

5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 32-808, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           32-808 (1) Ballots for early voting and applications  
4 shall be ready for delivery to registered voters at least  
5 thirty-five days prior to each statewide primary or general  
6 election and at least fifteen days prior to all other elections.

7           (2) Notwithstanding subsection (1) of this section, upon  
8 request for a ballot, a ballot for early voting shall be forwarded  
9 to each voter meeting the criteria of section 32-939 at least  
10 forty-five days prior to any election. The election commissioner  
11 or county clerk shall provide for the transmission of the ballot  
12 electronically at the request of the voter, either by facsimile  
13 transmission or email as provided by the election commissioner or  
14 county clerk, and shall not forward any ballot for early voting  
15 if the election to which such ballot pertains has already been  
16 held. If the ballot has not been printed in sufficient time to  
17 meet the requirements of this subsection, the election commissioner  
18 or county clerk shall issue a special ballot at least sixty days  
19 prior to an election to each voter meeting the criteria of section  
20 32-939 upon the written request by such voter requesting the  
21 special ballot. A complete list of the nominated candidates and  
22 issues to be voted upon by a voter meeting the criteria of such  
23 section shall be included with the special ballot by the election  
24 commissioner or county clerk. A notice shall be ~~sent~~ included with  
25 the primary election ballot stating that the voter must request a

1 general election ballot unless such voter has requested both the  
2 primary and general election ballots. If the voter has requested  
3 both ballots, a notice shall be ~~sent~~ included with the primary  
4 election ballot stating that the general election ballot will be  
5 ~~sent~~ forwarded to the same address or by the same method of  
6 transmission unless otherwise notified.

7 (3) For purposes of this section, a special ballot means  
8 a ballot prescribed by the Secretary of State which contains  
9 the titles of all offices being contested at such election and  
10 permits the voter to vote by writing in the names of the specific  
11 candidates or the decision on any issue.

12 (4) The election commissioner or county clerk shall  
13 publish in a newspaper of general circulation in the county an  
14 application form to be used by registered voters in making an  
15 application for a ballot for early voting after the ballots become  
16 available. The publication of the application shall not be required  
17 if the election is held by mail pursuant to sections 32-952 to  
18 32-959.

19 Sec. 2. Section 32-939, Reissue Revised Statutes of  
20 Nebraska, is amended to read:

21 32-939 (1) The persons listed in this subsection who  
22 are residents of Nebraska but who reside outside the United  
23 States shall be allowed to simultaneously register to vote and  
24 make application for ballots for all elections in a calendar  
25 year through the use of the Federal Post Card Application, ~~or~~ a

1 personal letter which includes the same information as appears on  
2 the Federal Post Card Application, or an electronic transmission,  
3 either by facsimile transmission or email:

4 (a) Members of the armed forces of the United States or  
5 the United States Merchant Marine, and their spouses and dependents  
6 residing with them;

7 (b) Citizens temporarily residing outside of the United  
8 States and the District of Columbia; and

9 (c) Overseas citizens.

10 (2) An omission of required information, except the  
11 political party affiliation of the applicant, may prevent the  
12 processing of an application and ~~mailing~~ forwarding of ballots.  
13 The request for any ballots and a registration application shall  
14 be ~~sent~~ forwarded to the election commissioner or county clerk  
15 of the county of the applicant's residence. The request may be  
16 ~~sent~~ forwarded at any time in the same calendar year as the  
17 election, except that the request shall be received by the election  
18 commissioner or county clerk not later than the third Friday  
19 preceding an election to vote in that election. If so requested,  
20 ballots may be ~~sent~~ forwarded for all subsequent elections held in  
21 the county in that calendar year.

22 (3) Any person meeting the criteria in subsection (1) of  
23 this section may cast a ballot by the use of the Federal Write-In  
24 Absentee Ballot. The Federal Write-In Absentee Ballot may be used  
25 for all elections. If a person casting a ballot using the Federal

1 Write-In Absentee Ballot is not a registered voter, the information  
2 submitted in the Federal Write-In Absentee Ballot transmission  
3 envelope or electronic transmission shall be treated as a voter  
4 registration application.

5 (4) Any person meeting the criteria in subsection (1)  
6 of this section requesting a ballot under this section or the  
7 special ballot described in section 32-808 may receive and return  
8 the ballot and the oath prescribed in subsection (2) of section  
9 32-947 using any method of transmission authorized by the Secretary  
10 of State, including electronic transmission, either by facsimile  
11 transmission or email.

12 Sec. 3. Original sections 32-808 and 32-939, Reissue  
13 Revised Statutes of Nebraska, are repealed.